THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.19920 OF 2006

DATED: 22nd SEPTEMBER, 2006.

Between :

M/s. Sri Mukalinga Aqua Pvt. Ltd.,
Rep. by its Director Smt. V. Pushpalatha .. Petitioner

And

The Andhra Bank, Main Branch,
GNT road, Srikakulam. … Respondent

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.19920 OF 2006

ORDER :

Heard the learned Counsel for the petitioner.

Admittedly, the impugned sale notice was issued in pursuance of the order of the Debts Recovery Tribunal, Visakhapatnam in I.A.No.535 of 2003 in O.A.No.88 of 2003 under which the Commissioner who was appointed earlier was directed to sell the plant and machinery of the petitioner's company by public auction by giving publicity in one Telugu and one English newspapers. The only plea raised by the petitioner is that since the order in I.A.No.535 of 2003 was an ex parte order, he filed I.A.No.745 of 2004 before the Tribunal to set aside the said order and pending the said application the respondent is not justified in issuing the impugned sale notice.

Since as on today, the order in I.A.No.535 of 2003 holds good, I am unable to find fault with the impugned action of the respondent in issuing the impugned sale notice. At any rate, if the petitioner is aggrieved, he ought to have approached the Tribunal since the main O.A.No.88 of 2003 is still pending on its file.

Accordingly leaving it open to the petitioner to work out the appropriate remedy before the Tribunal, Writ Petition is dismissed. No costs.

G. ROHINI, J.

Dt. 22-9-2006

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